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April 14, 2003

**OKLAHOMA BULLETIN NO. OK180-3-5**

**SUBJECT: Certification of Wetland Determinations**

**Purpose:** To clarify policy on wetland certification requirements as described in the National Food Security Act Manual (NFSAM).

**Expiration Date:** September 30, 2003

Issues and questions about wetland certifications were raised during recent training sessions conducted around the state to explain the procedures for conducting FSA compliance status reviews. This bulletin provides information on the status of wetland certification requirements and cites specific wetland certification policy as contained in the NFSAM.

Wetland determination and certification requirements have changed several times since the original policy was developed in response to Wetland Provisions of the 1985 Food Security Act (FSA). The 1985 Act did not contain provisions for certifying wetland determinations. USDA program participants received NRCS form CPA-026 and aerial maps (photocopies) that identified wetlands on their farms. These determinations were made using off-site, remote sensing procedures and were not reviewed in the field for accuracy. If participants did not request an informal reconsideration or file a formal appeal, the determinations were considered to be accurate and valid for FSA wetland compliance purposes.

The 1990 Food, Agriculture, Conservation, and Trade Act (FACTA) amended the Wetland Provisions of FSA to include a certification requirement for all wetland determinations. The intent was to certify all previously made determinations that had been made using off-site mapping procedures approved by all federal agencies with wetland responsibilities. The mapping procedures for Oklahoma had been approved by all agencies. Consequently, the previously completed determinations were considered to be certified. This policy was in effect until 1995. At that time, USDA placed a moratorium on wetland determinations, except when specifically requested by a USDA program participant via form NRCS--CPA-38, "Request for Certified Wetland Determination", or where potential violations had occurred.

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In November, 1997, Circular 1 - Policy Guidance for Wetland Conservation Provisions was issued. This circular superceded all previous wetland policy in the NFSAM and specifically indicated that all wetland determinations would be conducted/verified on-site using all appropriate tools including approved mapping procedures and would be conducted only by trained, certified wetland delineators. The policy change in Circular 1 was incorporated as Amendment 5 in the Third Edition of the NFSAM in 09/2000.

Part 514.11 (a) and Part 514.51 (e) of the NFSAM specifically state that all wetland determinations will be based on the use of on-site procedures. Please refer to these sections for more information regarding the requirements for certification.

In summary, certification is intended to guarantee that a wetland determination is accurate and defensible when making decisions regarding compliance with FSA Wetland Provisions. With the exception of wetland determinations that were appealed or reviewed as a result of potential violations, wetland determinations in Oklahoma have not been verified in the field and are not considered to be certified under the current policy.

Please contact Steve Tully, State Biologist at (405) 742-1239, if you have questions regarding this bulletin.

*/s/ Kevin Norton acting for*

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